

MAR 05 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RICARDO ARMANDO MARROQUIN,

Defendant - Appellant.

No. 08-50191

D.C. No. 3:06-cr-01247-BEN-2

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Southern District of California  
Roger T. Benitez, District Judge, Presiding

Submitted February 18, 2009<sup>\*\*</sup>

Before: BEEZER, FERNANDEZ, and W. FLETCHER, Circuit Judges.

Ricardo Aramando Marroquin appeals from the nine-month sentence imposed following revocation of supervised release. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Marroquin contends that the district court failed to consider whether the sentence imposed was sufficient, but not greater than necessary, pursuant to 18 U.S.C. § 3553(a). We are not persuaded that the district court erred.

Marroquin further contends that, at sentencing, the district court relied on impermissible factors, including the need for punishment, and did not adequately consider the need for rehabilitation. We conclude that the district court did not err, because the record reflects that it sought to sanction Marroquin for a breach of trust, rather than to punish him, and the district court properly considered the goal of rehabilitation. *See United States v. Miquel*, 444 F.3d 1173, 1182 (9th Cir. 2006).

**AFFIRMED.**